

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WILLIE MARTEZ MCBRIDE,

Plaintiff,

v.

Case No. 18-CV-2032

STEVEN KUNNMUENCH, *et al.*,

Defendants.

ORDER

On January 3, 2020, the court held a telephonic status conference to decide Plaintiff Willie Martez McBride’s motion for discovery. (ECF No. 57.) The court denied that motion but allowed McBride until January 17, 2020, to amend his complaint. (*Id.*) On January 7, 2020, McBride filed a motion to amend his complaint. (ECF No. 59.) In that motion he also requests “to amend the complaint to switch judge from Magistrate Judge to District Judge.” (ECF No. 59-1 at 2 (emphasis in original).)

McBride’s motion to amend lists the allegations he seeks to add to his complaint, as required under Civil L. R. 15(b). But McBride did not reproduce the entire pleading as amended and attach the proposed amended complaint to his motion. *See* Civil L. R. 15(a)–(b). The court will therefore **DENY** his motion to amend. McBride, however, may cure the deficiencies in his motion to amend and resubmit it, to which he must attach the proposed amended complaint, by **February 7, 2020**.

Under 28 U.S.C. § 636(c)(4), the court may on its own and “for good cause” vacate a referral of a civil matter to a magistrate judge. Alternatively, the court may vacate the referral if a party shows “extraordinary circumstances” justifying the vacatur. *Id.*; *see also* Fed. R. Civ. P. 73(b)(3). To the extent McBride requests that the court vacate the referral to a magistrate judge, he has demonstrated neither good cause nor extraordinary circumstances to justify vacating the referral. He merely states that he would like to switch to a district judge. I will therefore deny his request. Nonetheless, McBride is reminded that his case currently is assigned to District Judge Lynn Adelman, to whom this case will be returned for a final decision. *See* 28 U.S.C. § 636(b)(1)(A).

IT IS THEREFORE ORDERED that McBride’s motion to amend his complaint (ECF No. 59) is **DENIED**. McBride may resubmit his motion, in full compliance with Civil L. R. 15, **by February 7, 2020**. The Clerk is directed to forward with this order a copy of Civil L. R. 15 for McBride’s review.

IT IS ALSO ORDERED that McBride’s request to vacate the referral to a magistrate judge is **DENIED**.

Dated in Milwaukee, Wisconsin, this 22nd day of January, 2020.

BY THE COURT:

s/Nancy Joseph

NANCY JOSEPH
United States Magistrate Judge